



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,379	03/07/2005	Chang-Yul Cho	F-8564	1069
28107	7590	07/03/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			SUTTON, ANDREW W	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,379

Applicant(s)

CHO, CHANG-YUL

Examiner

Andrew W. Sutton

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 3/7/05 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

The specification is objected to as it includes drawings on page 13 which is not allowed as stated in 37 CFR 1.58 in the MPEP.

“The specification, including the claims, may contain chemical and mathematical formulae, but shall not contain drawings or flow diagrams.”

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant includes drawings in the claims, which is not allowed as stated in 37 CFR 1.58 in the MPEP. It is unclear as to what the applicant is trying to claim.

Art Unit: 3765

“The specification, including the claims, may contain chemical and mathematical formulae, but shall not contain drawings or flow diagrams.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filkow (US 4,199,089) in view of Merrill (US 460,023). Filkow illustrates in Fig. 2 a glove shaping device for heating and shaping a glove including a heating plates 14 and 16, a body portion 12 with an interior portion with an electric heater 12, and a cover 18. Filkow does not explicitly show the cross section of the fingers of hand 54 in fig. 6 having a rhomboid shape. However, Merrill illustrates a glove-shaping device with fingers D having a rhomboid cross section in Fig. 2. This includes having a thickness and two parallel sides inclined at an angle.

As to claim 2, With respect to the limitation of a define thickness and angle, the specification contains no disclosure of either the critical nature of the claimed thickness and angle or any unexpected results arising therefrom, and that as such the thickness and angle was arbitrary and therefore obvious. Such thickness and angle limitation cannot be a basis for patentability, since where patentability is said to be based upon diameter or another thickness and angle or another variable in the claim, the applicant must show that the thickness and

Art Unit: 3765

angle is critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934 (Fed. Cir. 1990). One having ordinary skill in the art would be able to determine through routine experimentation the ideal dimension for a particular application.

Claims 3-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Filkow (US 4,199,089) in view of Merrill (US 460,023) in further view of Kearns (US 1,369,341). Filkow/Merrill teach the device substantially above. However, Filkow/Merrill do not teach the joint structure as claimed. Kearns illustrates in Figure 1 a glove form that includes fingers 15 separated to the body of the hand 10 via a joint where the fingers 15 include prominences 14 on the lower end and the body includes depressions 24 for receiving those prominences. It would have been obvious to combine the teachings of Filkow/Merrill and Kearns to provide a glove form that includes fingers that moveable to provide adjustability.

As to claim 4, Kearns illustrates in Fig. 6 the joint depression and joint prominences are arranged at an inclined plane at 33 which is at a predetermine angle.

As to claims 5, With respect to the limitation of a define angle, the specification contains no disclosure of either the critical nature of the claimed angle or any unexpected results arising therefrom, and that as such the angle was arbitrary and therefore obvious. Such angle limitation cannot be a basis for patentability, since where patentability is said to be based upon diameter or another angle or another variable in the claim, the applicant must show that the angle is critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934 (Fed.

Art Unit: 3765

Cir. 1990). One having ordinary skill in the art would be able to determine through routine experimentation the ideal dimension for a particular application.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Filkow (US 4,199,089) in view of Merrill (US 460,023) in further view of Shikatani (US 4,472,836). Filkow/Merrill teach the device substantially above.

Filkow/Merrill do not teach the use of a coating applied to the heading place.

However, Shikatani teaches the use of paper (Col 2 line 14-15) to allow for the glove to be removed from the form. It would have been obvious to one of ordinary skill in the art to combine the teachings of Filkow/Merrill and Shikatani to provide a glove form with an easily removable glove that won't stick due to the paper.

Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Filkow (US 4,199,089) in view of Merrill (US 460,023) in further view of Augustine (US 4,398,364). Filkow illustrates in Fig. 2 a glove shaping device for heating and shaping a glove including a heating plates 14 and 16, a body portion 12 with an interior portion with an electric heater 52 which are thermostatically regulated (col 5 lines 1-5), a control unit 38, and a cover 18. Filkow does not explicitly show the cross section of the fingers of hand 54 in fig. 6 having a rhomboid shape. However, Merrill illustrates a glove-shaping device with fingers D having a rhomboid cross section in Fig. 2. This includes having a thickness and two parallel sides inclined at an angle. The applicant states no criticality or unexpected results as to the physical placement of the temperature control lever. Filkow/Merrill does not explicitly teach a temperature control lever on the control

Art Unit: 3765

unit. However, Augustine illustrates a temperature control lever 30 in Fig 1 on the iron 10. It would have been obvious to combine the teachings of Filkow/Merill and Augustine to provide a safer device with the addition of the temperature control lever.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Filkow (US 4,199,089) in view of Merrill (US 460,023) in view of Augustine (US 4,398,364) in view of Shikatani (US 4,472,836) in further view of Kearns (US 1,369,341). Filkow/Merrill/Augustine teach the device substantially above. However, Filkow/Merrill/Augustine fails to teach the heating plates being curved to one side at the top. However, Shikatani illustrates a heated glove form including fingers 15-18 that are curved on the top end. It would have been obvious to combine the fingers of Shikatani with the teachings of Filkow/Merrill/Augustine to provide a glove form that provides a shape that is natural to the human hand. Filkow/Merrill/Augustine/Shikatani teach the device substantially above, however they do not teach the glove form being in multiple heating plates. Kearns illustrates in Figure 1 a glove form that includes fingers 15 separated to the body of the hand 10. It would have been obvious to combine the teachings of Filkow/Merill and Kearns to provide a glove form that includes fingers that moveable to provide adjustability.

As to claim 10-11, Filkow illustrates in Fig. 4 grooves being placed between the fingers of 15-18. The combination of Filkow/Merrill/Augustine/Kearns would provide the fingers being multiple heating

Art Unit: 3765

plates and the grooves of Shikatani creates space between the heating plates as claimed.

As to claim 12, Shikatani teaches the use of paper (Col 2 line 14-15) to allow for the glove to be removed from the form.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perlmutter (US 4,084,733) and Peet (6,085,436) show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS
6/25/06



JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700